

REMARKS

Amendment to the Claims

Claims 140-145 and 147 are cancelled. Claims 146 and 148-151 are amended to include the subject matter of prior claim 140. Support for this amendment is found in the specification at, e.g., page 44, lines 1-4. No new matter has been added by this amendment.

The Restriction Requirement

Pending claims 56-157 are subject to a Restriction Requirement under 35 U.S.C. § 121. Applicant notes that this application is a national stage application submitted under 35 U.S.C. § 371, and thus is not subject to restriction practice under 35 U.S.C. § 121. Rather, this application is subject to unity of invention practice under Rule 13 of the Patent Cooperation Treaty (PCT) and 37 C.F.R. § 1.499 (see M.P.E.P. §1893.03(d)).

Groups VI and VII

Claims 140-145 of Group VI are directed to an isolated CD45(-) pluripotent cell population, while claims 146-151 of Group VII are directed to an isolated Hox11-expressing pluripotent cell population. Applicant has cancelled claims 140-145 and has incorporated the subject matter of prior claim 140 into pending claim 146. Claims 146-151 are now directed to a single invention in accordance with Rules 13.1 and 13.2 PCT because they are directed to a single general inventive concept: an isolated Hox11(+), CD45(-) cell. Thus, Applicant respectfully requests that Groups VI and VIII, the subject matter of which is now recited in present claims 146 and 148-151, be examined together.

CONCLUSION

Applicant also includes a petition to extend the period for replying to the Restriction Requirement for four months, to and including April 27, 2009, as April 25, 2009 falls on a Saturday. Please deduct the fee required by 37 C.F.R. § 1.17(a) of \$865.00 for the petition from Deposit Account No. 03-2095.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,


for **Todd Armstrong, Ph.D.**
Reg. No. 54,590
Paul T. Clark
Reg. No. 30,162

Date: 23 April 2009

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045